



10/511391

1/11/09 DAC

PATENT
Customer No. 22,852
Attorney Docket No. 07552-0041-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,306,197 B2)
Inventors: Andrea PARRINO et al.)
Issue Date.: December 11, 2007)
For: CONNECTION ELEMENT AND)
CONNECTING DEVICE FOR)
TUBES)

ATTN: Decisions and Certificate of Correction Branch

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF DENIAL OF ISSUANCE OF
CERTIFICATE OF CORRECTION AND PETITION UNDER 37 C.F.R. § 1.181**

Patentees respectfully request reconsideration of the decision to deny in part their request for a Certificate of Correction dated January 14, 2008. See Exhibit 1 (Decision dated February 6, 2009). Patentee's request that certain language from claim 44, column 11, lines 41-43 be replaced with the correct language was denied on the ground that this amendment "changes the scope of the claims." See *id.*

Patentees respectfully suggest that the Office misunderstood the nature of the error they seek to correct. Patentees are not seeking to improperly change the scope of the claims beyond what was allowed by the Examiner, and in fact are merely seeking to correct an Office error in printing the patent.

As identified in the previously-filed Request for Certificate of Correction, and presented in the supplemental Request for Certificate of Correction appended hereto, the Office erroneously printed claim 44, column 11, lines 41-43 to read "An assembling process of a connecting element providing the connection element of claim 42; comprising the steps of:" As patentees submit, this language should read "An assembling process of a connecting element comprising the steps of: providing the connection element of claim 40;" The request for such an amendment is based on an Examiner's Amendment included in the Notice of Allowability dated July 30, 2007. See Exhibit 2 (Notice of Allowability dated July 30, 2007). In the Examiner's Amendment, the Examiner deleted "according to claim 42" from claim 46, line 2 and added "providing the connection element of claim 42" from claim 46, between line 2 and 3. See *id.* at 2.

Patentees submit that the Office totally ignored this Examiner's Amendment in printing the issued patent. Moreover, patentees point out that the Examiner's Amendment was entered before the allowed claims were renumbered. In a Supplemental Notice of Allowability dated September 6, 2007, the Examiner indicates that "Claims 1-3, 5-13, 15-53, 65-74, and 76-97 are allowed." See Exhibit 3 (Supplemental Notice of Allowability dated September 6, 2007). Because claims 4 and 14 had been cancelled, when the claims were renumbered, issued claim 44 corresponds to claim 46 (as amended by the Examiner's Amendment). Thus, "claim 42," upon which prosecuted claim 46 depends, corresponds to issued claim 40 (based on claim renumbering). Therefore, the Office's failure to amend issued claim 44 as patentees requested in the previously-filed Request for Certificate of Correction is

improper. Accordingly, because the Office made a mistake in printing the issued patent, patentees respectfully ask that this mistake be corrected by a Certificate of Correction.

A supplemental Request for Certificate of Correction and two (2) copies of PTO Form 1050 are appended. The supplemental Request for Certificate of Correction corrects the above-mentioned error of the Office. Issuance of the Certificate of Correction containing the corrections is earnestly requested. If the Office believes there is any impediment to issuance of a Certificate of Correction, patentees ask that the Office contacts the undersigned at (202) 408-4387.

Patentees believe that no fee should be charged with this Petition. If any fee is required to enter this Petition or the Certificate of Correction, please charge the required fee to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 18, 2009

By: /Aaron L. Parker/
Aaron L. Parker
Reg. No. 50,785

GSP/AXP

07552.0041



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Date: 2/6/09



Patent No : 7,306,197 B2
Application No: 10/511,391
Issued : December 11, 2007
Inventor : Parrino, et al.
Title : CONNECTION ELEMENT AND CONNECTING DEVICE FOR TUBES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction, for the above-identified patent under the provision of Rule 1.322 or R 1.323.

Respecting the alleged error, approve only the 1st and third change. The second amendment changes the scope of the claims. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R1.322 or R1.323.

In view of the foregoing, your request in this matter is hereby denied.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Valerie Jackson
Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. # 114

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413

vj/MFD

DKTD 2/12/09

C. DRAUGHN



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

22852

7590

07/30/2007

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

FRISTOE JR, JOHN K

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 07/30/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,391

10/15/2004

Andrea Parrino

07552.0041

2102

TITLE OF INVENTION: CONNECTION ELEMENT AND CONNECTING DEVICE FOR TUBES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/30/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Notice of Allowability

Application No.

10/511,391

Examiner

John K. Fristoe Jr.

Applicant(s)

PARRINO ET AL

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 4/20/2007.
2. ☒ The allowed claim(s) is/are 1-3, 5-13, 15-53, 65-74 and 76-97.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



UNITED STATES PATENT AND TRADEMARK OFFICE

CSP/AXP



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,391

10/15/2004

Andrea Parrino

07552.0041

2102

22852 7590 09/06/2007

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

FRISTOE JR, JOHN K

ART UNIT

PAPER NUMBER

3753

MAIL DATE

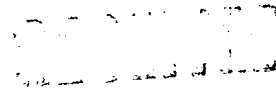
DELIVERY MODE

09/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



SEP 19 2007

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

Issue fee due 10-30-07

AKH 9/10/07

**SUPPLEMENTAL
Notice of Allowability**

Application No.

10/511,391

Examiner

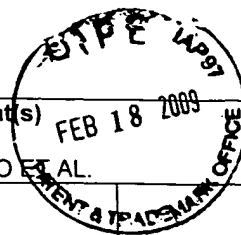
John K. Fristoe Jr.

Applicant(s)

PARRINO ET AL.

Art Unit

3753



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1. ☒ This communication is responsive to the amendment filed 4/20/2007.
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3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
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 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
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2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
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Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 3753

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

Claim 76, line 1, "75" has been replaced with --65--.

The above amendment was made to correct a dependency on a previously canceled claim.

Allowable Subject Matter


2. Claims 1-3, 5-13, 15-53, 65-74, and 76-97 are allowed.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JKF


JOHN RIVELL
PRIMARY EXAMINER
ART UNIT ~~37~~3753

/John K. Fristoe Jr./
John K. Fristoe Jr.
Examiner
Art Unit 3753

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron Parker on 7/11/2007.

The application has been amended as follows:

IN THE CLAIMS:

In claim 25, line 2, "according to claim 21" has been deleted.

In claim 25, between line 2 and 3, --providing the connection element of claim 21;-- has been added.

In claim 46, line 2, "according to claim 42" has been deleted.

In claim 46, between line 2 and 3, --providing the connection element of claim 42;-- has been added.

In claim 78, line 2, "according to claim 65" has been deleted.

In claim 25, between line 2 and 3, --providing the connection element of claim 65;-- has been added.

The above amendments to the claims were made in order to the structural limitations of the apparatus claims into the method claims.

Allowable Subject Matter

2. Claims 1-3, 5-13, 15-53, 65-74, and 76-97 are allowed.
3. The following is an examiner's statement of reasons for allowance: U.S. Pat. No. 5,569,235 (Ross et al.). Ross et al. disclose a connection element comprising a main body (12) made of a rigid material, at least one fluid passage (within element 48 in figure 3A), a first opening (within element 18), a second opening (66), wherein the first opening (within element 18) is at a distance from the second opening (66), a first tube (attaches to element 22), a shut off element (24) made of an elastically deformable material (col. 3, line 25), a fixing portion (30), an intermediate portion (26) that is deformable (Figure 3B), a sealing portion (28), a first operating condition (figure 3A), a second operating condition (figure 3B), a second distance (seen in figure 3B), an outer surface (surface of element 24), a transverse end surface (surface of element 30) that is swept by fluid (fluid flow seen by arrows in figure 3B), a lateral surface (outside surface of element 26) that is swept by fluids (fluid flow seen by arrows in figure 3B), and wherein the intermediate portion (26) deforms symmetrically (seen in figure 3B) but lacks the intermediate portion having a bellows shape or a radial protrusion passing through a window.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3753

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric S. Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



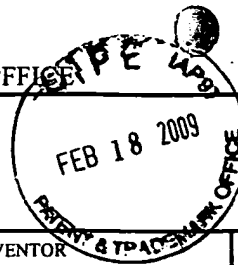
ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

/John K. Fristoe Jr./
John K. Fristoe Jr.
Examiner
Art Unit 3753

JKF



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WASHINGTON, DC 20001-4413

EXAMINER

FRISTOE JR, JOHN K

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 07/30/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 237 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 237 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.